



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

California Housing Finance Authority

A written comment period has been established commencing on September 23, 2005, and closing on October 31, 2005. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than October 31, 2005. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest code of the following:

SOUTH TAHOE PUBLIC UTILITY DISTRICT

A written comment period has been established commencing on **September 23, 2005** and closing on **November 7, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Tara Stock, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code. Any written comments must be received no later than **November 7, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. CALIFORNIA SCHOOL FINANCE AUTHORITY

Article 2, Sections 10175 to 10191 Title 4, Division 15 California Code of Regulations

NOTICE IS HEREBY GIVEN that the California School Finance Authority (CSFA), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code, proposes to adopt and amend the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

CSFA proposes to adopt Sections 10175 through 10191 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The Regula-

tions implement CSFA's responsibilities related to the State Charter School Facilities Incentive Grants Program (Grant), a supplement to the Charter School Facilities Program, and includes a number of the requirements of the Charter School Facilities Program contained in the referenced code provisions and its implementing Regulations.

AUTHORITY AND REFERENCE

Authority: Sections 17179 and 17180, Education Code. Section 17179 provides CSFA with the authority to do all things reasonably necessary to carry out its responsibilities. Section 17180(a) of the Education Code provides CSFA the authority to adopt bylaws for the regulation of its affairs and the conduct of its business. Subsection (d) provides CSFA with the authority to receive and accept grants from the federal government.

Reference: Sections 17078.52–17078.66 of the Education Code, section 17180(d) of the Education Code; and section 47600, et seq., of the Education Code. These Regulations implement a Grant as a supplement to the Charter School Facilities Program and include a number of the requirements of that program contained in the reference code provisions and their implementing Regulations. They also rely on a number of provisions in the Charter Schools Act of 1992, commencing with section 47600 of the Education Code. Section 17180(d) provides CSFA with the authority to receive grants from the federal government.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CSFA was created in 1985 to assist school districts and community college districts in financing school construction projects. (Education Code section 17170, et seq.) CSFA is authorized to adopt bylaws for the regulation and conduct of its business, is vested with all powers reasonably necessary to carry out its powers and responsibilities, and may receive and accept grants from a federal agency. (Education Code sections 17179 and 17180.)

In 2002, the voters passed Proposition 47, which allocated \$100 million for school construction for charter schools. In 2004, the voters passed Proposition 55, which allocated an additional \$300 million for charter schools. The program created as a result of the two propositions is the Charter School Facilities Program (Education Code section 17078.52, et seq.). By statute, CSFA plays a significant role in determining whether charter schools are eligible to receive funding pursuant to the program's requirements. Additionally, the program, and CSFA's role in the program, was incorporated into CSFA's governing statutes and the other duties CSFA is authorized to perform. (Education Code section 17180.5.)

In 2004, the United States Department of Education approved a grant award to CSFA pursuant to the State Charter School Facilities Incentive Grants Program (Grant), authorized under Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. CSFA applied for the Grant as a supplement to the funding provided pursuant to Propositions 47 and 55. Many of the requirements for funding contained in the program have been incorporated into CSFA's requirements for the Grant. The Grant provides for \$49,250,000 to be awarded over a five year period for the purposes of funding per-pupil facilities aid programs for California charter schools. Grant funds may be applied toward a charter school's annual cost of rent, lease, mortgage or debt service payments for facilities or toward the purchase, design and construction costs of acquiring land and constructing or renovating a facility.

Pursuant to the federal rules governing the Grant, \$9,850,000 must be allocated during each of five consecutive federal fiscal years. The first funding round began on June 28, 2005 when an emergency rulemaking file was approved by the Office of Administrative Law. Permanent Regulations implementing the Grant must be in place to allow CSFA the ability to establish the eligibility, criteria for selection, and disbursement process so that awards may be allocated by the federal deadline for each year. Without these Regulations, charter schools serving thousands of students would lose out on valuable grant funds that would assist them in meeting the facility needs of their programs.

The allocation of these grant funds to eligible charter schools will be based on three preference items, such as percentage of students receiving free/reduced lunch, the school's nonprofit status, and whether a school is overcrowded.

The Regulations to be adopted are briefly summarized below and are intended to implement the enhancement to the program and the responsibility of CSFA to administer the Grant.

Section 10175. This section establishes the administration of the Grant by CSFA.

Section 10176. This section provides definitions for key terms.

Section 10177. This section outlines the conditions that must be met for a charter school to be eligible for an award.

Section 10178. This section outlines the eligible uses for which charter schools may apply grant funds.

Section 10179. This section establishes the amount of the award that may be granted to a charter school.

Section 10180. This section defines the application form and sets the dates for application for each funding round.

Section 10181. This section outlines the information each applicant must submit with the application packet.

Section 10182. This section outlines the method by which CSFA will establish evaluation criteria.

Section 10183. This section outlines the method for assigning awards to eligible applicants.

Section 10184. This section identifies the timeframe for notification of awards.

Section 10185. This section summarizes a three-year timeframe by which grant funds must be obligated, expended and liquidated.

Section 10186. This section provides that CSFA must approve any change in the charter school's use of grant funds.

Section 10187. This section establishes the terms and conditions for the award of grant funds.

Section 10188. This section establishes the fund release process.

Section 10189. This section establishes the requirements for charter schools receiving awards to certify completion of a construction project.

Section 10190. This section provides for state and federal requirements for audits and procurement procedures and prohibits conflicts of interest.

Section 10191. This section sets out funding contingencies based on each budget period scheduled by the U.S. Department of Education.

**OTHER MATTERS PRESCRIBED BY STATUTES
APPLICABLE TO THE SPECIFIC STATE
AGENCY OR TO ANY SPECIFIC REGULATION
OR CLASS OF REGULATIONS**

No other matters prescribed by statute are applicable to CSFA or to any specific Regulation or class of Regulations pursuant to 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or CSFA.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

CSFA has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

CSFA has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

While CSFA will incur additional expenses in implementing and administering the Grant, the U.S. Department of Education provides that CSFA may charge such additional expenses for CSFA's administrative costs against the Grant, up to five percent. Therefore, there is no fiscal impact on the State's General Fund or requirement of additional appropriations by the Legislature. There will be no cost or savings to any State Agency pursuant to Government Code sections 11346.1(b) or 11346.5(a)(6).

**INITIAL DETERMINATION REGARDING ANY
SIGNIFICANT, STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

CSFA has made an initial determination that the Regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CSFA has determined that the adoption of the Regulations will not affect small business. The Grant is a voluntary financing program available to charter schools to assist in the financing of charter school facilities.

COST IMPACTS

The CSFA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT ON JOBS AND
BUSINESS EXPANSION, ELIMINATION
OR CREATION**

CSFA has determined, pursuant to Government Code section 11346.3(b), that the Regulations will not have an effect on jobs and business expansion, elimination or creation.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), CSFA must determine that no reasonable alternative to the Regulations considered by CSFA or that has otherwise been identified and brought to the attention of CSFA would be more effective in carrying out the purpose for which the Regulations are proposed or would be as effective and less burdensome to affected private persons than the Regulations.

CSFA invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

Written comments, inquiries, and any questions regarding the substance of the Regulations shall be submitted or directed to:

Katrina Johantgen, Executive Director
California School Finance Authority
304 South Broadway, Suite 550
Los Angeles, CA 90013-1224

or

915 Capitol Mall, Room 576
Sacramento, CA 95814
(916) 651-7710

The following person is designated as a backup contact person for inquiries only regarding the Regulations:

Donna Ferebee, Staff Counsel
State Treasurer's Office
(916) 653-2971

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to CSFA. The written comment period on the Regulations will end at 5:00 p.m. on November 7, 2005. All comments to be considered by CSFA must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, CSFA will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF PROPOSED REGULATIONS

Pursuant to the California Government Code, the CSFA has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at CSFA's office at 915 Capitol Mall Sacramento during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. This address

will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on CSFA's Web site at <http://www.treasurer.ca.gov/csfa>.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to CSFA at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, CSFA may adopt the Regulations substantially as described in this Notice, without further notice. If CSFA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through CSFA's Web site described above) for at least fifteen (15) calendar days before CSFA adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

CSFA is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once CSFA has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on CSFA's Web site described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to amend regulations contained in Title 4, Division 9, Chapter 6, Article 5, Engine Fuel Standards, Section 4143, Specifications-Diesel Fuel to adopt the latest version of the American Society for Testing and Materials (ASTM) International specification D 975 for Diesel Fuel Oils, which includes

ASTM International Standards Test Method for Evaluating Lubricity of Diesel Fuels with the High-Frequency Reciprocating Rig.

The California Business and Professions Code, Section 13450 charges the Department with the responsibility for establishing specifications for compression-ignition engine fuels. It further requires the Department to adopt, by reference, the latest standards established by a recognized consensus organization or standards writing organization such as ASTM International.

The proposed amendment to Article 5 does the following:

- Adopts the latest version of ASTM International specification D 975 for Diesel Fuel Oils, which includes ASTM International Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR).

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be scheduled. Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by email at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on November 7, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department and the Division of Measurement Standards' Petroleum Products Program are charged with the responsibility to establish specifications for engine fuels sold in California. The Department is required to adopt, by reference, the latest standards of a recognized consensus organization or standards writing organization, such as the American Society for Testing and Materials (ASTM) International. The Department has adopted ASTM International standards for gasoline, diesel fuel, kerosene, and fuel oil.

The Division of Measurement Standards has been requested by the Department to adopt the latest revision of the ASTM International Standard Specification for Diesel Fuel Oils D 975-04(b)(e)1 which,

effective January 1, 2005, includes the ASTM International Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig.

Recent changes in the formulation of diesel fuel for environmental reasons have elevated the risk for increased fuel pump wear. The High-Frequency Reciprocating Rig test method is used to measure a diesel fuels tendency to prevent wear. In order to protect California drivers from vehicle failure these reformulated diesel fuels must be monitored.

Article 5. Engine Fuel Standards

Section 4143. Specifications-Diesel Fuel

This section is amended to adopt the latest version of ASTM D 975 Standard Specification for Diesel Fuels Oil which includes the ASTM International Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR).

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Secretary has determined that this proposal does not impose a mandate on local agencies or school districts.

The Secretary also has determined that this action will involve no costs or savings to any state agency, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposal will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING EFFECT ON JOB/BUSINESSES

The Department has made an assessment that the proposed regulation may: (1) create jobs within California; (2) create new businesses within

California; and (3) affect the expansion of businesses currently doing business in California; and (4) will not eliminate jobs or businesses within California.

ALTERNATIVES CONSIDERED

The Secretary must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

Pursuant to Business and Professions Code, Division 5, Sections 12027 and 13450.

REFERENCE

The Department proposes to amend the current regulations to implement, interpret, and make specific the provisions of the Business and Professions Code, Section 13450.

CONTACT PERSON

Inquiries about this notice may be directed to David Lazier, Branch Chief, Division of Measurement Standards at (916) 229-3044. The back-up contact person is Al Hebert, Supervising Chemist, Division of Measurement Standards at (916) 229-3030.

EFFECT ON SMALL BUSINESS

The Department has made an assessment that the proposed regulations will not have an affect on small business. Diesel fuel in California is produced by the major oil companies. There are no small business operations producing diesel fuel.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the statement of reasons, and the proposed regulations in strikeout and underline form may be obtained upon request. The rulemaking file, and all information on which the proposal is based is located at the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's web site located at www.cdfa.ca.gov/dms/

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differs from but is sufficiently related to the action proposed they will be

available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting David Lazier, Branch Chief, Division of Measurement Standards, at (916) 229-3044.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

CREDIT LIFE AND DISABILITY STANDARD POLICY FORMS AND ADMINISTRATION REGULATIONS

REGULATION FILE: RH04041147

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to amend the regulations described below after considering comments from the public. The Commissioner proposes to make revisions in the California Code of Regulations, Title 10, Chapter 5, Subchapter 2, Article 6.7 (§§ 2248–2248.19) and Article 6.9 (§§ 2249.1–2249.16), pertaining to credit life and credit disability insurance on revolving accounts and on loans of ten years duration or less, which is sold in connection with such indebtednesses (hereinafter, “credit life and disability insurance”). Article 6.7 (the Credit Life and Credit Disability Policy Forms and Administration regulation), adopted pursuant to Insurance Code § 779.21, includes provisions relating to the administration of credit life and disability insurance and to policy form design. Article 6.9 (the Standard Credit Life and Credit Disability Policy Forms regulation) implements the mandatory standard credit life and disability insurance policy forms required by Insurance Code § 779.27.

AUTHORITY AND REFERENCE

The regulations to be changed were adopted pursuant to the authority granted to the Commissioner of Insurance by Insurance Code 779.21. Adoption of Article 6.9 was additionally authorized by Insurance Code § 779.27. Both Articles implement, interpret and make specific the provisions of §§ 510, 779.1–779.10, 779.12a, 779.14, 779.18, 779.27–779.36, 791.10, 1758.99, 10110, 10111.2, 10111.5, 10113, 10113.5, 10115, 10141, 10142, 10203.5, 10203.55, 10206, 10207, 10209, 10270.505, 10270.6, 10270.94, 10290, 10291, 10320, 10321, 10323, 10324, 10237, 10328, 10350–10350.12, 10369.1, 10369.3, 10381.5, Ins. C.; §§ 18290–18292, 22314, 22315, 22455, Fin. C.; § 2248.33–2248.35, Title 10, Cal Code of Regs.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and time: November 16, 2005
at 1:00 p.m.

Location: 45 Fremont Street
Hearing Room, 22nd Floor
San Francisco, CA 94105

The hearing will continue on the date noted above until all testimony has been submitted or 5:00 p.m., whichever is earlier. Note that written comments will be given the same weight in the rule-making process as oral testimony, if any, received at the hearing.

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS

All persons are invited to submit written comments on the proposed amendments during the public comment period. The public comment period will end at 5:00 p.m. on November 16, 2005. Please direct all written comments to the following contact person:

Peter Groom, Senior Counsel
California Department of Insurance
45 Fremont Street
San Francisco, CA 94105
Telephone: (415) 538-4421
E-mail: groomp@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

George Teekell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4390

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on November 16, 2005. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL
OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: groomp@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Peter Groom and sent to the following

facsimile number: (415) 538-4035. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

INFORMATIVE DIGEST

Summary of Existing Law and Policy Statement
Overview

Credit life and disability insurance is subject to special laws and regulations set forth in Insurance Code §§ 779.1 through 779.36 and three Articles of Title 10, California Code of Regulations, Chapter 5, Subchapter 2. (Credit life and disability insurance is also subject to the statutes and regulations pertaining to life and disability insurance in general except where the cited provisions provide differently. Ins. C. 779.2.)

Article 6.7 (§§ 2248–2248.19), adopted in 1978 and last revised in 1994, establishes general rules for policy form drafting and for administering credit life and disability insurance programs. Article 6.8, adopted in 1994 and last revised in 2001, regulates the premium rates charged for credit life and disability insurance; it would not be affected by this rule-making action. Article 6.9 (§§ 2249.1–2249.16), adopted in 1978 and last revised in 1983, implements the system of mandatory standard credit life and disability insurance policy forms required by Ins. C. § 779.27. Insurers must use the standard forms when possible and they need not be approved by the Department before use. The system also provides for “non-standard” forms which must be approved by the Department following rules in the regulation before they are used. Approximately 150 standard individual policies, group certificates, applications and notices of proposed insurance can be drafted under the regulation, using a “building block” method of assembling paragraphs of standard text according to instructions. Insurers do not have to seek prior approval of the majority of their products under the regulation and credit insurance policy approval filings have become a small part of the Department’s policy approval workload.

The basic policy of this rulemaking action is to update Articles 6.7 and 6.9 to make them more useful for those who must comply with them and for those who must enforce them. The principal thrust of the action is to update the Articles to reflect changes in statutes and in the credit life and disability marketplace that have occurred since they were last revised in 1994 and 1983, respectively. Several limitations in Article 6.7 on insurers’ administration of their credit insurance programs have been nullified by legislation. Insurers have long been unable to rely on Article 6.9 in drafting lawful or accurate credit life and disability insurance policy forms because it is inconsistent with

the Insurance and other Codes. Many, now-common, credit insurance product features must be individually approved on a non-standard basis because they are not reflected in the regulation's standard language. Finally, experience with Article 6.9 over the past two decades has revealed ambiguities and inconsistencies in it that require clarification or resolution.

Some interested parties may be disappointed that the proposed amendments to Article 6.9 do not go farther. We have attempted to avoid proposing amendments that would be controversial or that might otherwise delay implementing amendments that statutory changes have long made necessary. Thus, the Commissioner may propose more substantive amendments to the Article in a future rulemaking action.

EFFECT OF PROPOSED ACTION

The changes to Article 6.7 would have no substantive effect; they repeal language made obsolete by changes in statutes and other regulations. Most of the changes made by this rulemaking action would apply to Article 6.9. The effects of the changes to Article 6.9 would be to conform it to statutory changes that have occurred since its last revision, to reduce the need for non-standard policy forms filings and to improve the Article's clarity and internal consistency. Technical and non-substantive changes to the Article would also be made. Insurers would have one year following the effective date of the changes in which to comply with the amended regulation.

The following is a summary of the changes proposed in this rulemaking action.

The following proposed amendments would update the regulations to reflect statutory changes.

- Existing Article 6.7 contains obsolete provisions pertaining to direct and indirect compensation of creditors and others in the insurance distribution chain. The provisions would be repealed. (Ins. C. §§ 779.32 & 779.33)
- Existing Article 6.9 contains standard MIB Pre-notice text concerning an applicant/insured's access to medical information in MIB files. That text would be revised to reflect current law. (Ins. C. § 791.10(b))
- Existing Article 6.9 contains numerous provisions pertaining to "gross life" insurance coverage. Those provisions would be repealed to reflect the statutory prohibition of such coverage. (Ins. C. § 779.4(a)(1))
- Existing Article 6.9 is silent as to pre-existing conditions limitations in credit card disability coverages. The regulation would be amended to provide that pre-existing conditions limitations in credit card disability coverages shall be timed from the effective date of coverage. (Ins. C. § 779.30(d))
- Existing Article 6.9 refers to the "Personal Property Brokers Law" and the "Consumer Finance Lenders Law". The standard language referring to those laws would be changed to refer to the "California Finance Lenders Law" to make it consistent with changes in the Financial Code. (Chapter 1115, Stats 1994, amendments to the Financial Code)
- Existing Article 6.7 incorrectly states that personal property brokers and industrial loan companies are prohibited from providing credit disability insurance on revolving accounts. That statement would be repealed. (Fin. C. §§ 18292(d) & 22455)
- Existing Article 6.9 is silent as to a right of examination ("free look") and a consumer complaint notice in credit life and disability insurance policies and certificates. Standard language would be adopted for the "free look" and consumer complaint notice as required by the Insurance Code. (Ins. C. § 779.14(b))
- Existing Article 6.9 is silent as to the display of the credit life and disability insurance producer's license number in credit life and disability insurance policies and certificates. The regulation would be amended to provide for displaying the credit life and disability insurance producer's license number in the standard Schedules. (Ins. C. § 1758.99)
- Existing Article 6.9 provides for a minimum premium refund of \$1.00. The standard minimum premium refund would be changed to \$5.00 to reflect current premium rate regulations. (Title 10, California Code of Regulations § 2248.38(a)(3))

The following proposed amendments would improve the regulation's internal consistency.

- Existing Article 6.9 calls for different calculations of the amount of life insurance on open-end loans depending upon whether a disability benefit provision is in the policy or certificate. The regulation would be amended to provide for consistent Amount of Life Insurance provisions in all forms covering open-end indebtednesses regardless of the presence of disability benefit provisions.
- Existing Article 6.9 provides that single premium applications shall be used with standard policies and certificates covering closed end loans on a monthly premium basis. New standard applications containing monthly premium language for use with such policies and certificates would be adopted.
- The List of Block Number sections in the existing regulation contain a number of inconsistent text block specifications. The inconsistencies would be resolved.

The following proposed amendments would reduce the need for non-standard policy form filings.

- Existing Article 6.9 is silent as to joint disability coverage. Standard language for joint disability insurance would be adopted.
- Existing Article 6.9 restricts the use of the standard “partial payoff” provisions to level life forms. The regulation would be amended to permit the use of standard “partial payoff” provisions in all standard forms except those used for “Class A” business.
- Existing Article 6.9 does not provide for the medical underwriting of co-borrowers in the standard Medical Application of Borrower. The instructions for drafting the standard Medical Application of Borrower are amended to permit such underwriting of co-borrowers.
- The standard Medical Application of Borrower in the existing Article 6.9 does not contain an AIDS/ARC medical question. An AIDS/ARC medical question would be added to the standard Medical Application of Borrower.
- Existing Article 6.9 does not allow variations from “advance” in the standard forms. The regulation would be amended to allow variations from “advance” so that “charge” and similar terms may be used in standard forms covering open-end business.
- Existing Article 6.9 is silent about the Department publishing previously approved non-standard language that it would approve in future non-standard forms filings. The regulation would be amended to notify users that the Department may have disseminated previously approved non-standard language that the Commissioner would approve in future non-standard forms filings. Use of such language would not be mandatory.

The following proposed amendments would clarify the regulation.

- Existing Article 6.9 is unclear to some users that eligibility and termination ages may not be varied from those in the regulation. The regulation would be amended to emphasize that eligibility and termination ages may not be varied from those in the regulation without the approval of the Commissioner. However, use of age 66 would not render a form non-standard.
- Existing Article 6.9 calls for a “Conformity with State Statutes” provision in group certificates. The regulation would be amended by repealing the “Conformity with State Statutes” provision in group certificates, since the provision is intended to be used only in individual and group master policies.

- The ID Number Chart in the existing regulation contains internal captions that are obsolete or inconsistent with the amended regulation. The internal captions in the ID Number Chart would be updated or amended accordingly.
- The pre-existing conditions caveat in the standard applications for disability coverages refers to “your policy”. The quoted phrase would be changed to “your certificate” in the standard applications.
- Existing Article 6.9 refers to open-end business as “open end” and/or “revolving.” These references would be changed to “Line of Credit”, “Credit Union Open-end” and “Credit Card,” as appropriate, to be consistent with the terminology of the premium rate regulations.
- Existing Article 6.9 provides that insurers that had not been active in the California credit life and disability insurance market for one year prior to the effective date of the standard forms regulations must submit their standard forms for approval. This would be amended to require that insurers that had not been active in the California credit life and disability insurance market for one year prior to their first proposed issue of a standard form must submit their standard forms for the Department’s approval until the Department waives the requirement. This reflects long-standing Department interpretation of this provision.
- Existing Article 6.9 provides that “existing” master policies can be modified by a “wrap-around” rider in order to comply with the regulation. The regulation would be amended to provide that “wrap-around” group policies may be used at any time.
- Existing Article 6.9 is silent as to required or permissible provisions for which language is not provided. The regulation would be amended to alert filers about certain required or permissible provisions for which language is not provided in the regulation.

- Existing Article 6.9 provides a compliance date for the 1983 amendments to Article 6.9. The regulation would be amended to provide for a one-year transition period into the regulation as amended in 2005.

The following proposed amendments would be non-substantive.

- Existing regulations contain an obsolete cross-reference and a typographical error. The regulations would be amended to correct both.
- Existing Article 6.7 contains a reserve computation form provision that is a relic of premium rate regulations that were repealed in 1994. That provision would be repealed.

- Many provisions in the exiting regulations contain Authority and Reference NOTES that are obsolete or inconsistent with the Administrative Procedure Act. The Authority and Reference NOTES to the amended sections would be appropriately amended.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the existing or proposed amended regulations.

LOCAL MANDATE

The Commissioner has determined that the proposed amended regulations would not impose any policy or expenditure mandate on local agencies or school districts.

FISCAL IMPACT ON STATE OR LOCAL GOVERNMENT AGENCIES

The Commissioner has determined that the proposed amended regulations would result in no cost or savings to any state agency, no cost to any local agency or school district that would be required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Commissioner has determined that the matters proposed herein would have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

The Commissioner has made an initial determination that the proposed amendments to Article 6.7 would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commissioner has made an initial determination that the amendments to Article 6.9 would potentially affect 38 California-licensed life and/or disability insurers who, in 2004, reported themselves as being active in the California credit life and disability insurance market. (There were 903 insurers licensed for life and/or disability insurance in California in 2004.) Many of the affected insurers would likely have to reprint policies, certificates and notices of proposed insurance to conform the "free look" and consumer notice provisions therein to the new standard language. (These provisions are already required by the Insurance Code.) Otherwise, the amendments would require few changes in the more

common credit life and disability insurance products. The impact on individual insurers would depend upon many variables, including the extent to which insurers have updated their policy forms, how often they reprint their forms in the normal course of business, whether they print supplies of their forms in advance or whether they print them "as needed" from an electronic database, etc. Insurers that have made non-standard policy form filings with the Department in recent years are already familiar with most of the changes that would be made in Article 6.9. We understand that, in general, policy form drafting and printing costs do not comprise a significant portion of credit life and disability insurers' operating expenses.

In return for having to comply with the amendments to Article 6.9, insurers would no longer have to file for approval, policy forms covering joint disability or credit cards and policies with a common type of "partial payoff" limitation. Medical Applications of Borrowers with medical questions applicable to co-borrowers or with AIDS/ARC medical questions would no longer have to be filed for approval. Also, insurers would no longer have to research the Insurance Code and develop their own language in drafting policy forms that comply with California law; they would be able to rely on the standard text in the amended regulations.

The Commissioner has made an initial determination that the amendments to Article 6.9 would also potentially affect creditors, insurance administrators and insurance producers that distribute credit life and disability policy forms to debtors. These entities would have to distribute the revised policy forms that were required because of the amended regulations, throughout their operations and ensure that the proper forms were supplied to their customers. We understand that, in general, policy form distribution costs do not comprise a significant portion of these entities' operating expenses. Note that the proposed amendments would not affect individual policies and certificates that were delivered to debtors before the date of mandatory compliance with the amendments.

The Commissioner has made an initial determination that the proposed amendments to Article 6.9 would not affect the ability of California businesses to compete with businesses in other states.

The Commissioner has attempted to lessen any adverse economic impact on the insurance industry by setting a lengthy phase-in period for compliance with the amendments. This would allow affected entities to exhaust existing supplies of policy forms and to update their policy forms on a routine basis. Nevertheless, the Commissioner invites interested parties to submit

proposals for lessening any adverse economic impact on business. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

ASSESSMENT REGARDING THE EFFECT ON JOBS AND BUSINESSES

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. The Commissioner has made an initial determination that the proposed amendments to Articles 6.7 and 6.9 would not affect the creation or elimination of jobs within California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments to Article 6.7.

The Commissioner is aware that the proposed amendments to Article 6.9 will likely cause insurers to incur unquantifiable expenses to revise and reprint many of their existing forms, as noted above. There may be unquantifiable cost impacts on those creditors, insurance administrators and insurance producers that distribute policy forms to debtors who seek credit life and disability insurance after the effective date of the amendments. These entities would have to distribute the new forms throughout their operations and ensure that they were properly supplied to their customers, as noted above. The Commissioner is not aware of any cost impacts that representative private persons or businesses, other than the businesses identified above, would necessarily incur in reasonable compliance with the proposed amendments to Article 6.9

SMALL BUSINESS

The Commissioner has determined that the proposed amendments to Article 6.7 would not affect small businesses.

The Commissioner has determined that the proposed amendments to Article 6.9 would affect only those small businesses that distribute or market credit life and disability insurance to their customers. Such business would have to take steps to ensure that they used the proper, updated policy forms as supplied by the insurers. The costs of that impact are unquantifiable.

Insurers are not small businesses pursuant to Government Code § 11342.610(b)(2).

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the amended regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed regulations. The only alternative would be to not amend the regulations as proposed, so that insurers would not be able to rely on the regulations to draft lawful policy forms. Insurers would continue to have to file for approval, policy forms covering joint disability or credit cards, policies with a common type of "partial payoff" limitation and Medical Applications of Borrowers with medical questions applicable to co-borrowers or with AIDS/ARC medical questions. The Commissioner is aware of no other reasonable alternative to the proposed amendments that would be less burdensome on the entities subject to the regulations. The Commissioner invites public comment on alternatives to the regulations.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the proposed amended regulations apply to businesses.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed amendments. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests to view the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. Requests to view the Final Statement of Reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find near the end of the rightmost column, under the heading "Quick Links," the "Legal Information" link. Click it. On the "Legal Information" page, click on the "Proposed Regulations" link near the top of the page. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH04041147" (the Department's regulation file number for this rulemaking action) in the search field. Alternatively, search using as your search term the California Insurance Code section numbers of the code section that the regulations implement ("779.21" or "779.27"), or search by keyword ("credit life and disability insurance," for example). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Credit Life and Disability Standard Policy Forms and Administration Regulations" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 154.00 in Chapter 1, Division 1 of Title 13, California Code of Regulations regarding commercial vehicle weight decals.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **November 7, 2005**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to amend this regulation under the authority granted by section 1651 of the Vehicle Code in order to implement, interpret or make specific Vehicle Code sections 9400 and 9400.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 9400.1 requires specified fees to be paid for the registration of a commercial motor vehicle operated either singly or in combination with a declared gross vehicle weight of 10,001 pounds or more. Upon payment of fees, the department is required to issue two weight decals to be affixed to the left side and right side doors of the vehicle.

The department proposes to amend Section 154.00 relating to the placement of the weight decals. The proposed amendment would allow the decals to be affixed to the vehicle immediately in front of or behind each door to ensure the decals will be visible at all times.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.

- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal will provide options for placement of weight decals on commercial vehicles.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action may affect small businesses. The proposal will provide options for placement of weight decals on commercial vehicles.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone num-

ber (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Greg Gorges Conference Room, 1424 Howe Avenue, Sacramento, California, at 9:00 a.m., on November 19, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later

than 5:00 p.m. on Thursday, November 17, 2005 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2915(g) and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 29 and 2915 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend sections 1397.60(d) and (g), 1397.61(a) and 1397.62(c), Title 16, California Code of Regulations.

Currently, section 1397.60 states that distance learning can be used to meet no more than 50% (18 hours) of the continuing education required in each renewal cycle. This proposal would allow the full 36 hours of mandatory continuing education to be accrued through distance learning.

The term "distance" learning is being replaced with "independent" learning to more accurately reflect the manner in which psychologists are allowed to accrue continuing education.

Section 1397.61(a) of this proposal would omit any reference to the number of hours that can be accrued via distance learning to be consistent with the language in section 1397.60(g).

Section 1397.62(c) is being repealed as the changes to section 1397.60 would allow all licensees to accrue all continuing education through independent learning; therefore, the need for an onsite exemption would no longer be required.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

Office of Examination Resources (OER) Validation Report

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.psychboard.ca.gov.

**TITLE 16. BOARD
OF PSYCHOLOGY**

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Greg Gorges Conference Room, 1424 Howe Avenue, Sacramento, California, at 9:00 a.m., on November 19, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Thursday, November 17, 2005 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2915(g) and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 29 and 2915 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Amend sections 1397.61(b), Title 16, California Code of Regulations

This proposal would clarify and broaden the means by which the laws and ethics training required for license renewal can be fulfilled by allowing a licensed psychologist the opportunity to obtain this requirement through training and/or experience in this area. Currently, the only way to fulfill this requirement is through a four-hour course in laws and ethics. Section 2936 of the Business and Professions Code states that the board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). This proposal replaces the term "ethics code" with the name of the actual document adopted by the APA, the Ethical Principles of Psychologists and Code of Conduct.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have

any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Greg Gorges Conference Room, 1424 Howe Avenue, Sacramento, California, at 9:00 a.m., on November 19, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Thursday, November 17, 2005 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2930 and 2942 of the Business and Professions Code, and to implement, interpret or make specific Sections 123,

496, 2941, 2942, 2943 and 2960 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Amend sections 1388, 1388.6, 1389 and 1392, Title 16, California Code of Regulations

This proposal would specifically change the name of the current written examination known as the California Jurisprudence and Professional Ethics Examination (CJPEE) to the California Psychology Supplemental Examination (CPSE). An occupational analysis was conducted by the Department of Consumer Affairs, Office of Examination Resources (OER) and the examination content has been expanded accordingly. As a result, the title of the examination no longer accurately reflects the content of the examination. Therefore, OER recommends changing the examination title from the CJPEE to the CPSE.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: Memo from the Office of Examination Resources

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Proposed Rulemaking
Title 22, California Code of Regulations

SUBJECT

Secondary Drinking Water Standards, **R-21-03**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Water Act (Sections 116270–116751, Health and Safety Code [HSC]).

Pursuant to HSC Section 116555(a)(1), public drinking water systems are required to comply with secondary drinking water standards [as defined in HSC Section 116275(d)]. The existing secondary drinking water standards regulations lack clarity and a specific procedure for determining secondary maximum contaminant level (MCL) compliance. Therefore, the Department proposes to amend existing Section 64449, Chapter 15, and adopt two new Sections (64449.2 and 64449.4) into the same chapter to update and clarify the Secondary Drinking Water Standards regulations. The proposed amendments to Section 64449 Secondary Maximum Contaminant Levels and Compliance involve a reorganization of the existing requirements, the elimination of the corrosivity standard, and a clarification of the secondary MCL compliance determination procedure. The proposed Section 64449.2 Waivers for Secondary MCL Compliance clarifies and incorporates application requirements for secondary MCL waivers from the existing Section 64449. Proposed Section 64449.4 Use of Sources that Exceed a Secondary MCL and Do

Not Have a Waiver includes proposed requirements for the short-term use of a source that exceeds a secondary MCL.

There are no comparable federal regulations for secondary MCLs.

The net effects of the proposed regulations for public drinking water systems are as follows:

- Greater clarity and less ambiguity in the secondary drinking water MCL and monitoring requirements;
- Community water system requirements related to corrosivity would be addressed only in the Lead and Copper regulations, Chapter 17.5;
- Community water systems would determine secondary MCL compliance on the basis of an average of four consecutive quarterly samples for those constituents with fixed consumer acceptance levels;
- Community water systems would have the option via a waiver process to use sequestering for iron and/or manganese treatment to improve the aesthetics of the water if a source has violated the iron and/or manganese MCLs; and
- Community water systems would have specific procedures and criteria for the use of sources exceeding a secondary MCL.

AUTHORITY

Sections 100275 and 116375, Health and Safety Code.

REFERENCE

Sections 116385, 116455, 116555 and 116610, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on November 10, 2005, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation

package identifier "R-21-03" in the subject line to facilitate timely identification and review of the comment), or

4. By using the "Making Comments on DHS Regulations" link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Michael G. McKibben, P.E., Senior Engineer, Standards and Technology Unit, of the Drinking Water Program at (619) 525-4023.

All other inquiries concerning the action described in this notice may be directed to Don Lee of the Office of Regulations at (916) 440-7673 or to the designated backup contact person, Linda Tutor, at (916) 440-7697.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-21-03.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or

California Relay at 711/1-800-735-2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None to insignificant fiscal impact with possible savings in the future.
- B. Fiscal Effect on State Government: None to insignificant fiscal impact with possible savings in the future.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The Department has concluded that any incremental costs resulting from the proposed revisions would be insignificant and there may be a small savings for a few systems when they are required to give public notice.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations will not significantly affect the following:

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there

would not be any change in water system or regulatory personnel needed for compliance with the proposed requirements.

2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the proposed regulation will not result in the creation or elimination of water systems. The impact of these regulations will be insignificant.
3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any affect on expansion.

The Department has determined that the regulations would not affect small businesses. Government Code Chapter 3.5, Article 2, Section 11342.610 excludes drinking water utilities from the definition of small business.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7673, and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH SERVICES

NOTICE OF GENERAL PUBLIC INTEREST REGARDING THE DEPARTMENT OF HEALTH SERVICES' INTENT TO CHANGE THE MEDI-CAL REIMBURSEMENT METHODOLOGY FOR CALIFORNIA'S SAFETY NET HOSPITALS

This notice is to provide updated information of public interest regarding the State's intent to convert its current financing methodology for California's safety net hospitals that serve Medi-Cal beneficiaries and uninsured individuals. This notice follows from previous notices published on June 24, 2005, July 1, 2005, July 8, 2005, July 29, 2005, and August 26, 2005.

On August 31, 2005, the Department of Health Services (DHS) received formal approval from the federal Centers for Medicare & Medicaid Services (CMS) of the new Medicaid Section 1115 Demonstration Project, effective September 1, 2005. Details of CMS' approval are more specifically set forth in the Special Terms and Conditions for the Demonstration Project, also issued by CMS on August 31, 2005. Additionally, state legislation to implement the Demonstration Project was recently approved by the Legislature, to be codified at Welfare and Institutions Code § 14166 et seq. This notice provides additional information regarding the new financing methodology based on the Special Terms and Conditions and the new legislation.

Under the Special Terms and Conditions for the Demonstration Project, DHS must submit to CMS, on or before September 30, 2005, State Plan Amendments (SPAs) under Title XIX of the Social Security Act to implement specified components of the new financing methodology. The SPAs will be retroactive to July 1, 2005.

CHANGE IN MEDI-CAL REIMBURSEMENT METHODOLOGY FOR SAFETY NET HOSPITALS

California's public safety net hospitals and health systems are distinguished by their deep-rooted commitment to provide healthcare access to Medi-Cal beneficiaries and to people with limited or no health insurance. To secure critical federal funds available to serve this population, DHS will convert the current reimbursement methodology for 22 public hospitals from negotiated per diem rates and supplemental payments to a cost-based reimbursement methodology

using certified public expenditures (CPEs). The CPE methodology will allow public hospitals and clinics to certify their costs of providing Medi-Cal services to Medi-Cal beneficiaries, as well as their costs of providing healthcare services to uninsured persons not eligible for Medi-Cal. Under the Special Terms and Conditions, separate SPAs will be required to implement the CPE methodology with respect to inpatient hospital services costs and physician and non-physician practitioner service costs.

Based on the CPEs, a prospective per diem rate of reimbursement will be established annually for inpatient services provided at each hospital. DHS will reconcile prospective payments to actual costs determined for the particular year from the audited cost report, when it becomes available. DHS will ensure that no hospital's baseline funding will decrease below the funding level that each hospital received in State Fiscal Year 2004–05, subject to applicable volume adjustments.

With respect to physician and non-physician practitioner services, under the new CPE methodology, the 22 public hospitals (or governmental entities with which they are affiliated) will receive supplemental reimbursement for costs incurred for such services provided to Medi-Cal beneficiaries who are patients of the hospital, to the extent that such services are not claimed as inpatient hospital services under the hospital's Medi-Cal provider number and the costs of such services are not otherwise paid under the Medi-Cal program. These supplemental payments will be in addition to the rates currently paid under Title 22 of the California Code of Regulations.

DHS will continue the current partnership with the California Medical Assistance Commission (CMAC) to negotiate per diem rates and supplemental payments to those hospitals that do not receive payments under the CPE methodology. However, the new state legislation provides for special payments to certain private safety net hospitals.

CHANGE IN THE MEDI-CAL DISPROPORTIONATE SHARE HOSPITAL PROGRAM

The State intends to change hospital eligibility for the Disproportionate Share Hospital (DSH) program and the primary data sources used to determine hospital-specific payment amounts. To accomplish this change, DHS will submit a SPA to CMS. The transition from the current program methodology to the new methodology is to be effective for DSH program year 2005–06 (State Fiscal Year 2005–06).

Increased pressure from CMS to eliminate the use of intergovernmental transfers that CMS deems inappropriate will require significant changes in hospital finance methodology, as outlined above. In

the new hospital finance methodology, private hospitals will receive equivalent DSH funding through the new Section 1115 Demonstration Project. Therefore, the State will limit DSH funding that is claimed from the federal Medicaid DSH allotment (42 U.S.C. § 1396r-4(f)) to public hospitals. All University of California Medical Centers will be deemed eligible for the DSH program annually, regardless of the hospital-specific DSH eligibility statistics, if they meet certain minimum federal Medicaid requirements. Additionally, only public hospitals that meet the requirements for high DSH status, as defined in the State Plan, may receive DSH funding above 100 percent of costs. Also, the primary data source used to identify hospital patient expenses will change from the Office of Statewide Health Planning and Development Annual Financial Disclosure Report to the CMS Hospital and Hospital Health Care Complex Cost Report (Form CMS-2552-96) and other supplemental cost reporting forms.

PUBLIC REVIEW

The terms and conditions of the waiver, and the draft SPAs detailing the proposed financing methods stated above, will be available for review at local county welfare offices throughout the State, when the documents become available. Interested persons may request copies of these documents, and may send written comments to Nancy Hutchison, Chief, Inpatient Contract & Monitoring Section, Medi-Cal Operations Division, Department of Health Services, 1501 Capitol Avenue, MS 4506, P.O. Box 997419, Sacramento, CA 95899-7419, or via e-mail at NHutchis@dhs.ca.gov.

MEDICAL BOARD OF CALIFORNIA

DECISION DENYING PETITION

In the Matter of the Union of American Physicians and Dentists' Petition to Amend Title 16 Cal. Code Regs. 1355.35

A petition to amend Title 16 Cal. Code Regs. 1355.35 was filed on behalf of the Union of American Physicians and Dentists by Andrew J. Kahn. This petition was received by the Medical Board of California ("Board") on June 30, 2005. The petition requests the following:

(1) That the Medical Board modify its existing explanation of hospital discipline to read as follows:

"The healthcare facility alleges that the action taken [] (sic) against this physician's privileges to provide healthcare services at this facility was for a medical disciplinary cause or reason. The physician may have submitted a statement to the National Practitioner Data Bank or to the Medical Board's central

file answering the allegations. The Medical Board is not authorized to determine whether there was in fact cause for discipline. The Medical Board is authorized by law to disclose only revocations and terminations of staff privileges at this facility. The Medical Board is prohibited by law from releasing a copy of the actual report or any other information without the physician's consent. Please contact the physician or the Data Bank for more information."

(2) In the alternative, that the Medical Board "adopt some other modification to its existing website statement about hospital discipline to (a) reduce the possibility that consumers falsely view hospital discipline as being justified or being endorsed by MBC, and (b) alert consumers to other sources of information about past hospital discipline."

(3) Although the petition specifically states that the petitioner has modified its prior petition to no longer request that practitioners be allowed to post a rebuttal on the website, at the hearing on the petition, the petitioner asserted that such request had not been withdrawn but rather was the focus of the petition. The Division of Licensing considered that request in making its decision.

The petition is denied for the following reasons:

Request No. 1

This would result in misleading information being posted on the board's website. Consumers and other individuals cannot access the National Practitioner Data Bank.

Request No. 2

The board believes that its current statement is consistent with the disclosure contemplated by Business and Professions Code Sections 803.1 and 2027 and does not mislead consumers regarding the significance of hospital discipline, as petitioner contends.

Request No. 3

1. Request No. 3 is inconsistent with Business and Professions Code Section 2027(a)(7). That section requires that the appropriate disclaimers and explanatory statements that accompany the information required to be posted on the board's website "shall be developed by the board and shall be adopted by regulation." This language does not contemplate individual rebuttals but rather is intended to require the board to place on its website only those disclaimers and explanations that have been adopted as regulation after completion of the notice and comment period. Further, the legislative history indicates that the purpose of such disclaimers and explanatory statements is to enable consumers to better understand the nature of the information posted on the board's website.

2. Even assuming the law contemplated inclusion of a rebuttal statement, the board does not currently have the ability in its information technology system to add in the type of statement requested.

The board's rulemaking authority is contained in Business and Professions Code Section 2018. Business and Professions Code Section 2027(a)(7) requires the board to adopt appropriate disclaimers and explanatory statements by regulation.

Interested persons may obtain a copy of the petition from the Medical Board of California by contacting Kevin Schunke at (916) 263-2368 or at kschunke@medbd.ca.gov or by sending a written request to the following address: Medical Board of California, 1426 Howe Avenue, Suite 92, Sacramento, California 95825.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Relaxing Reid Vapor Pressure Standard for CA Reformulated Gasoline

Changes the enforcement of the Reid Vapor Pressure standards to allow immediate use of winter formula gasoline.

Title 13

California Code of Regulations

AMEND: 2262, 2264.2, 2266.5(a)(6)

Filed 09/12/05

Effective 09/12/05

Agency Contact: Tom Jennings (916) 322-2884

AIR RESOURCES BOARD

ATCM for Stationary Compression Ignition Engines

Effective April 4, 2005, the Air Resources Board by emergency regulation reduced the stringency of the existing emission standards for new stationary diesel-fueled compression ignition engines for a subcategory of agricultural pump engines. This regulatory action is a certificate of compliance for this emergency filing but also expands upon the emergency amendments to

include other subcategories of agricultural engines within the reduction and makes other related changes not addressed by the emergency amendments.

Title
California Code of Regulations
AMEND: 93115
Filed 09/09/05
Effective 09/09/05
Agency Contact: George Poppic (916) 322-3940

BOARD OF PHARMACY **Pharmacist Identification, et al**

This action is the Board of Pharmacy's "omnibus" rulemaking conforming existing provisions governing pharmacy and pharmacist licensure, practice, self-assessments, continuing education, etc., to statutory changes and current Board practice.

Title 16
California Code of Regulations
ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
Filed 09/07/05
Effective 10/07/05
Agency Contact:
Virginia Herold (916) 445-5014 x4005

CALIFORNIA ENERGY COMMISSION **Approval of Technical Assistance Providers and Certifiers**

This regulatory action establishes minimum requirements and an application and approval process for qualifying certifiers and technical assistance providers who wish to provide services to California Climate Action Registry participants.

Title 20
California Code of Regulations
ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842
Filed 09/08/05
Effective 10/08/05
Agency Contact: Lisa DeCarlo (916) 654-5195

CALIFORNIA HORSE RACING BOARD **Total Carbon Dioxide Testing**

This emergency action adopts a procedure for total carbon dioxide testing of race horses, provides for the option of a duplicate sample, and sets the standard for the maximum allowable total CO₂ in the horse's blood.

Title 4
California Code of Regulations
ADOPT: 1843.6

Filed 09/13/05
Effective 09/13/05
Agency Contact: Harold Coburn (916) 263-6397

DEPARTMENT OF CORRECTIONS AND REHABILITATION **Joint Venture Program**

This action revises existing regulations that implement the Prison Inmate Labor Initiative of 1990 (Proposition 139). The changes regulate the manner in which the Department of Corrections and Rehabilitation is to monitor the requirements of the proposition regarding comparable wage rates for joint venture programs as required by the stipulated injunction and order in *Ervin, et al. v. State of California, et al.*, Superior Court of San Diego County, No. GIC 740832. This action also modifies regulations regarding joint venture program employer-related grievances, joint venture employer selection criteria, joint venture leasing requirements, joint venture contract requirements, and inmate participation requirements.

Title 15
California Code of Regulations
ADOPT: 3480, 3480.1, 3483, 3484, 3485 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483
Filed 09/13/05
Effective 09/13/05
Agency Contact:
Ann Cunningham (916) 322-9702

DEPARTMENT OF FINANCE **Conflict of Interest Code**

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 18730
Filed 09/13/05
Effective 10/13/05
Agency Contact:
Louise Fong (916) 445-3368 Ext. 3040

DEPARTMENT OF FOOD AND AGRICULTURE **Automotive Spark Ignition Engine Fuel**

Changes the enforcement of the Reid Vapor Pressure standards to allow immediate use of winter formula gasoline.

Title 4
California Code of Regulations
AMEND: 4140
Filed 09/12/05
Effective 09/12/05
Agency Contact: David Lazier (916) 229-3044

DEPARTMENT OF HEALTH SERVICES

County Medical Services Program

This change without regulatory effect repeals regulations dealing with the County Medical Services Program that was administered by the Department. The program is now governed by the County Medical Services Program Governing Board, which has the power to "make rules and regulations" that are exempt from the Administrative Procedure Act. Welfare and Institutions Code section 16809.4. The CMSP Governing Board adopted its own regulations in 2002. The CMSP provides health coverage to low-income indigent adults in 34, primarily rural, California counties.

Title 17

California Code of Regulations

REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9

Filed 09/07/05

Effective 09/06/05

Agency Contact: Shelly Blanks (916) 650-6825

DEPARTMENT OF HEALTH SERVICES

Medical Laboratory Technician Licensing Standards

This Certificate of Compliance adopts the licensing standards for Medical Laboratory Technicians. (Previous file #: 05-0107-02E, 05-0505-01EE)

Title 17

California Code of Regulations

ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4

Filed 09/12/05

Effective 09/12/05

Agency Contact:

Charles E. Smith (916) 440-7690

DEPARTMENT OF TRANSPORTATION

Contractor Debarment

This regulation action establishes the proceedings for the debarment of any contractor or service provider who willfully conceals, alters, misrepresents, or distorts, or attempts to conceal, alter, misrepresent, or distort the findings of any laboratory or subcontractor that provides quality control inspection and testing services to the contractor.

Title 21

California Code of Regulations

ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619

Filed 09/09/05

Effective 10/09/05

Agency Contact: Thomas Fellenz (916) 654-2630

DIVISION OF WORKERS COMPENSATION

Workers' Compensation Medical Provider Network

This is the certification of compliance for an action adopting Article 3.5 implementing 2004 legislation that authorizes an employer to contract with a medical provider network for the provision of medical treatment to injured employees, by defining terms, creating a process of applying for and receiving Division approval of such networks, and setting standards for care, review and appeal of decisions made in connection with the provision of such care.

Title 8

California Code of Regulations

ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15

Filed 09/09/05

Effective 09/09/05

Agency Contact:

Destie Overpeck (415) 703-4659

LABOR AND WORKFORCE DEVELOPMENT

AGENCY

Conflict of Interest Code

The California Labor and Workforce Development Agency is amending its conflict of interest code found at title 2, div. 8, ch. 99, sec. 58800, California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on July 6, 2005.

Title 2

California Code of Regulations

AMEND: Div. 8, Ch. 99, Sec. 58800

Filed 09/07/05

Effective 10/07/05

Agency Contact: Deanna Fong (916) 327-9069

SPEECH-LANGUAGE PATHOLOGY AND

AUDIOLOGY BOARD

Speech-Language Pathology Assistant/Bachelor's Degree

This regulatory action is to amend § 1399.170.11 of Title 16 of the CCR to establish criteria for an equivalent clinical work experience for those who have completed speech-language pathology bachelor's degree programs.

Title 16

California Code of Regulations

AMEND: 1399.170.11

Filed 09/09/05

Effective 10/09/05

Agency Contact: Candace Raney (916) 263-2666

STATE WATER RESOURCES CONTROL BOARD

Establish Sediment Total Maximum Daily Load for Imperial Valley Drains

Approves the action of the Colorado River Basin Regional Water Quality Control Board, changing the Water Quality Control Plan for the Colorado River Basin Region by establishing: (1) a Total Maximum Daily Load (TMDL) for sedimentation/siltation in three Imperial Valley Drains: Niland 2, P, and Pumice Drains; (2) an implementation plan for all Imperial Valley drains that empty directly into the Salton Sea, and (3) a prohibition for discharge of silt-laden tailwater into the Imperial Valley, including the Imperial Valley drains, New River, and Alamo River.

Title 23

California Code of Regulations

ADOPT: 3966

Filed 09/08/05

Effective

Agency Contact: Greg Frantz (916) 341-5553

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN APRIL 20, 2005
TO SEPTEMBER 7, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
AMEND: 1181, 1181.1, 1181.2, 1181.3,
1183, 1183.01, 1183.02, 1183.03,
1183.04, 1183.05, 1183.06, 1183.07,
1183.08, 1183.1, 1183.11, 1183.12,
1183.2, 1183.21, 1183.3, 1187, 1187.2,
1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
08/15/05 AMEND: 51000
08/09/05 ADOPT: 59520
08/04/05 AMEND: 2271
07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
07/20/05 ADOPT: 18530.7
07/20/05 AMEND: 18570
07/18/05 AMEND: 18452
07/18/05 AMEND: 55400
07/06/05 AMEND: 7286.0
06/24/05 AMEND: 599.502, 599.506
06/21/05 AMEND: 18705.5
06/16/05 AMEND: Div. 8, Ch. 4, section 25001

06/14/05 ADOPT: 18750.2, 18755 AMEND:
18702.4

05/31/05 ADOPT: 1859.300, 1859.301, 1859.302,
1859.310, 1859.311, 1859.312, 1859.313,
1859.314, 1859.315, 1859.316, 1859.317,
1859.318, 1859.319, 1859.320, 1859.321,
1859.322, 1859.323, 1859.323.1,
1859.323.2, 1859.324, 1859.325,
1859.326, 1859.327, 1859.328, 185

05/27/05 AMEND: 20107

05/27/05 AMEND: 1859.2

05/26/05 ADOPT: 18465.1

05/26/05 AMEND: 1859.2, 1859.81, 1866

05/24/05 ADOPT: 1859.23 AMEND: 1859.2,
1859.122, 1859.123, 1859.123.1

05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND:
1859.2, 1859.73.2, 1859.79.2, 1859.82,
1859.83, 1859.125, 1859.125.1,
1859.145, 1859.163.1, 1859.164.2

05/03/05 ADOPT: 20800.1, 20800.2, 20800.3,
20800.4, 20800.5 20800.6, 20800.7,
20800.8, 20800.9, 20801.1, 20801.2,
20801.3 AMEND: 20800, 20801, 20802

05/02/05 ADOPT: 18640 AMEND: 18941.1,
18946, 18946.1, 18946.2, 18946.4

04/26/05 AMEND: 1859.2, 1859.42

Title 3

08/12/05 AMEND: 3700(c)

08/08/05 ADOPT: 1811, 1812, 1850 AMEND:
1804, 1806, 1808, 1831, 1930, 1931,
1932, 1940, 1941, 1942, 1943, 1944,
1945, 1946, 1950 REPEAL: 1809, 1810,
1851, 1851.1, 1870.1, 1870.2, 1871,
1872, 1873, 1951, 1960, 1961

07/21/05 AMEND: 6400

07/11/05 AMEND: 3423(b)

07/01/05 AMEND: 2311(b)

06/27/05 ADOPT: 3591.18

06/22/05 AMEND: 3430(b)

06/09/05 ADOPT: 3700

06/03/05 ADOPT: 3963

05/23/05 AMEND: 3636(a)(c)

05/16/05 AMEND: 6388

05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),

Title 4

08/24/05 AMEND: 1663

08/17/05 AMEND: 1976.9

08/08/05 AMEND: 1887

06/27/05 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191

05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050
04/27/05 AMEND: 1844, 1845

Title 5

09/01/05 REPEAL: 1630
08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854,
855, 857, 858, 859, 861, 862, 863, 864,
864.5, 865, 866, 867, 867.5, 868870
08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
1204.5, 1206, 1207, 1209, 1210, 1211,
1211.5, 1215, 1215.5, 1216, 1217, 1225
08/01/05 ADOPT: 15140, 15141
07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8
07/12/05 AMEND: 22000
06/23/05 ADOPT: 11992, 11993, 11994
06/22/05 ADOPT: 11967.6, 11967.7, 11967.8
AMEND: 11967, 11968, 11969
06/20/05 ADOPT: 19817.1, 19826.1, 19828.1,
19837 AMEND: 19813, 19814, 19814.1,
19817, 19826, 19828
06/09/05 ADOPT: 11511.6, 11516.6, 11516.7,
11517.5 AMEND: 11510, 11511,
11515.5, 11512, 11512.5, 11513, 11513.5,
11514, 11516, 11516.5, 11517
06/08/05 ADOPT: 17101 AMEND: 9531
06/01/05 AMEND: 41500, 41503, 41504, 41505
05/26/05 AMEND: 30060
05/26/05 AMEND: 80413
05/06/05 ADOPT: 19850, 19851, 19852, 19853,
19854 AMEND: 19813, 19814, 19814.1
05/06/05 ADOPT: 3075.1, 3075.2, 3075.3,
3075.4 AMEND: 13075
05/06/05 ADOPT: 18092.5 AMEND: 18066,
18069, 18078, 18081, 18083, 18084,
18092, 18103, 18106, 18109, 18110
05/06/05 ADOPT: 18220.2, 18224.2, 18224.4,
1840.5, 18249 AMEND: 18220, 18240,
18248
05/05/05 ADOPT: 80021, 80021.1

Title 8

08/25/05 AMEND: 6184
08/22/05 ADOPT: 3395
08/10/05 AMEND: 8615
08/09/05 AMEND: 6251
08/02/05 AMEND: 770
08/02/05 ADOPT: 5022.1 AMEND: 4968
07/28/05 AMEND: 1529, 1535, 5190, 5210, 8358
06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545,
3546, 3548, 3549
06/20/05 AMEND: 3649, 3651(a)
06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14

06/15/05 AMEND: 1670(b)(11)(B)
06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725,
9726, 9727, 9785, 9785.2, 9785.3, 9805,
10150, 10152, 10156, 10158, 10160,
10161, 10163, 10165.5 REPEAL: 10151,
10154
06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
9768.5, 9768.6, 9768.7, 9768.8, 9768.9,
9768.10, 9768.11, 9768.12, 9768.13,
9768.14, 9768.15, 9768.16, 9768.17
06/06/05 ADOPT: 10133.50, 10133.51, 10133.52,
10133.53, 10133.54, 10133.55, 10133.56,
10133.57, 10133.58, 10133.59, 10133.60
05/31/05 ADOPT: 32032, 32033, 32034, 32035,
32606, 32607, 32608, 32609, 81000,
81005, 81010, 81020, 81030, 81040,
81050, 81055, 81060, 81065, 81070,
81075, 81080, 81090, 81100, 81105,
81110, 81115, 81120, 81125, 81130,
81135, 81140, 81145, 81150, 81155,
81160,
05/24/05 AMEND: 3999
05/12/05 AMEND: 9789.11
04/29/05 AMEND: 3456
04/28/05 AMEND: 1637

Title 10

07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018,
4019, 5000, 5001, 5002, 5003, 5005,
5006, 5007, 5008, 5009, 5010, 5013,
5020, 5050, 5051, 5060, 5061, 5070,
5110, 5111, 5112, 5113, 5114, 5115,
5116, 5117, 5118, 5119, 5260, 5261,
5262, 5263, 5264, 5266, 5267, 5268,
06/30/05 AMEND: 2699.6600, 2699.6809
06/23/05 AMEND: 2498.6
06/22/05 AMEND: 260.102.14
06/03/05 AMEND: 2698.70, 2698.71
06/03/05 AMEND: 2698.61, 2698.62
05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11,
2806, 2807, 2807.1, 2807.2, 2807.3,
2807.4, 2808, 2809, 2809.1, 2809.2,
2809.3, 2809.5, 2810, 2810.5, 2811
AMEND: 2814 REPEAL: 2805, 2805.1,
2805.1.5, 2806, 2806.5, 2810, 2810.1,
2810.2, 2810.3, 2810.4, 2810.6, 28
04/29/05 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.41 REPEAL: 2698.40, 2698.41,
2698.42, 2698.43, 2698.44, 2698.45

Title 11

08/22/05 AMEND: 1001, 1002, 1007
08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
08/12/05 AMEND: 1005, 1060
08/01/05 AMEND: 1005, 1014
07/28/05 ADOPT: 720, 721, 722, 723, 724,

06/24/05 AMEND: 63.2
 06/15/05 AMEND: 1005, 1007, 1008
 06/15/05 AMEND: 1053
 06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301,
 302, 303, 304, 305, 306, 307, 310, 311,
 312
 05/11/05 ADOPT: 61.9
 05/09/05 ADOPT: 28.4
 05/04/05 ADOPT: 61.8
 05/04/05 AMEND: 51.7
 05/04/05 ADOPT: 51.23
 05/04/05 AMEND: 51.2
 05/04/05 ADOPT: 51.25
 05/03/05 AMEND: 51.14
 05/03/05 AMEND: 51.12
 05/03/05 AMEND: 51.24
 05/03/05 AMEND: 51.15

Title 12

06/14/05 AMEND: 503(f)

Title 13

08/24/05 AMEND: 551.2, 551.15
 08/18/05 AMEND: 2754
 08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78
 08/11/05 AMEND: 423.00
 08/08/05 AMEND: 2185
 08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455,
 2456, 2457, 2458, 2459, 2460, 2461,
 2462, 2463, 2464, 2465
 07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21,
 25.22
 07/27/05 AMEND: 350.24
 07/19/05 ADOPT: 15.04
 05/31/05 AMEND: 551.1, 551.6, 555, 558, 560,
 561, 580, 583, 585, 586, 595, 597
 05/03/05 ADOPT: 159.10

Title 13, 17

07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
 AMEND: 2281 (Title 13), 2282
 (Title 13), 2284 (Title 13)

Title 14

08/26/05 AMEND: 7.50(b)(91.1)
 08/24/05 AMEND: 183 REPEAL: 188
 08/23/05 AMEND: 230
 08/23/05 AMEND: 7.50
 08/08/05 ADOPT: 4970.02, 4970.03, 4970.04,
 4970.05, 4970.06, 4970.07, 4970.08,
 4970.09, 4970.10, 4970.11, 4970.12,
 4970.13, 4970.14, 4970.15, 4970.16,
 4970.17, 4970.18, 4970.19, 4970.20,
 4970.21 AMEND: 4970.00, 4970.01 RE-
 PEAL: 4970.02, 4970.03, 4970.04,
 4970.05
 08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052,
 1052.1
 07/21/05 AMEND: 18419

07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1,
 708
 07/13/05 AMEND: 122 REPEAL: Appendix A,
 Form DFG 122
 06/21/05 AMEND: 895, 895.1, 1038, 1038(f)
 06/09/05 AMEND: 27.80
 06/09/05 AMEND: 782
 05/12/05 AMEND: 120.01
 05/12/05 AMEND: 180.3
 05/11/05 AMEND: 180.15
 05/11/05 AMEND: 231
 05/11/05 AMEND: 150.05
 05/11/05 AMEND: 601
 05/11/05 AMEND: 150.03
 05/10/05 AMEND: 150.02
 05/10/05 AMEND: 150
 05/10/05 AMEND: 551
 05/05/05 AMEND: 165
 04/25/05 AMEND: 851.23
 04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND:
 18449, 18450, 18451, 18456, 18459,
 18459.1, 18459.2.1, 18459.3, 18461,
 18462
 04/25/05 ADOPT: 1038(i) AMEND: 1038(e)
 04/22/05 AMEND: 149.1

Title 14, 27

08/23/05 AMEND: Title 14, sections 17850(a);
 17852(a)(5), (a)(11), (a)(12), (a)(13),
 (a)(15), (a)(16), (a)(21), (a)(22), (a)(24),
 (a)(36), (a)(41); 17855(a), (a)(5)(A);
 17855(a)(5)(B), (a)(7); 17855.4(a), (c),
 (d)(1), (d)(2), (d)(3); 17856(a), (c), (c)(1);
 17

Title 15

08/23/05 AMEND: 3025
 08/03/05 ADOPT: 3436
 07/07/05 ADOPT: 3187 AMEND: 3006, 3188,
 3189, 3331
 06/27/05 REPEAL: 3999.1.7
 06/22/05 AMEND: 2000, 2400, 2403
 06/21/05 REPEAL: 3999.1.3
 06/21/05 REPEAL: 3999.1.2
 06/15/05 AMEND: 3335
 06/08/05 ADOPT: 2251.5, 2251.6, 2251.7
 AMEND: 2041, 2072, 2073, 2074 RE-
 PEAL: 2050, 2051, 2052, 2054, 2055,
 2056, 2701
 06/02/05 AMEND: 1006, 1010, 1018, 1020, 1021,
 1023, 1025, 1028, 1029, 1045, 1046,
 1051, 1052, 1065, 1083, 1144, 1206,
 1209, 1240, 1241, 1242, 1243, 1245,
 1246, 1247, 1248, 1262, 1265, 1267,
 1270, 1271 REPEAL: 1218
 06/01/05 ADOPT: 4141, 4141.1
 05/26/05 AMEND: 3287

Title 16

09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750

09/06/05 ADOPT: 1070.4

09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35

08/29/05 AMEND: 404.1, 404.2

08/25/05 AMEND: 473

08/25/05 AMEND: 1399.15

08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268

07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391

07/27/05 AMEND: 2085.2

07/26/05 AMEND: 418

07/22/05 AMEND: 109, 116, 117

07/22/05 AMEND: 1888

07/21/05 ADOPT: 1070.5

07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5

07/12/05 AMEND: 1397.51

07/06/05 ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953

07/05/05 ADOPT: 1398.26.1

07/05/05 ADOPT: 1399.454 AMEND: 1399.450, 1399.451

06/22/05 AMEND: 1041

05/31/05 AMEND: 4154

05/12/05 AMEND: 1491

05/10/05 ADOPT: 2293, 2294

04/28/05 ADOPT: 1070.3

04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811, 1816, 1816.1, 1816.4, 1833, 1833.1, 1833.2, 1846, 1846.1, 1850.7, 1874, 1886, 1887.4, 1887.9, 1889, 1889.1, 1889.2, 1889.3

04/21/05 AMEND: 1399.155

04/21/05 AMEND: 1398.38

Title 17

09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9

08/31/05 ADOPT: 93102.5

08/18/05 AMEND: 94006

08/01/05 ADOPT: 58800, 58810, 58811, 58812, 58820, 58821, 58822, 58830, 58831, 58832, 58833, 58834, 58840, 58841,

58842, 58850, 58851, 58860, 58861, 58862, 58863, 58864, 58870, 58871, 58872, 58873, 58874, 58875, 58876, 58879, 58880, 58881, 58882 AMEND: 54302,

07/22/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

07/11/05 AMEND: 54319

06/30/05 AMEND: 2500, 2502, 2505

06/23/05 AMEND: 60201, 60202, 60205, 60210

06/22/05 ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232

06/20/05 AMEND: 94501, 94506, 94507, 94508, 94509, 94510, 94512, 94513, 94515, 94526, & Test Method

05/18/05 AMEND: 50604, 50605, 54310, 54320, 54326, 54332, 54335

05/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4

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04/26/05 AMEND: 3030

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07/08/05 ADOPT: 4056.1

06/07/05 ADOPT: 1160, 1214, 1331.2, 1425, 2257, 2333, 2425, 2520, 3005, 3303, 3503, 4031.1, 4905

05/05/05 AMEND: 18522, 18526, 18523, 18530

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06/03/05 ADOPT: 4059, 4060, 4062.1, 4066, 4067, 4069, 4072.1 AMEND: 4050, 4052, 4055, 4056, 4057, 4058, 4061, 4062, 4063, 4064, 4070, 4071, 4072, 4073 REPEAL: 4065

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08/24/05 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501

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08/10/05 ADOPT: 97800, 97810, 97820, 97830, 97840, 97850, 97860, 97870, 97880, 97890

07/11/05 AMEND: 70217
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 51000.6, 51000.7, 51000.16, 51000.30,
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 06/29/05 AMEND: 63.103.2, 63-300.5, 63-
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 06/15/05 AMEND: 80027, 80036, 87224, 87228,
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 06/13/05 ADOPT: 18459.1.2, Form CIWMB 203,
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